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6 Attorneys for Plaintiff  
7 Parker West International, LLC

8 U. S. DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 PARKER WEST INTERNATIONAL, LLC, a  
11 California limited liability company,

12 Plaintiff,

13 vs.

14 CLEAN UP AMERICA, INC., a Virginia  
15 corporation; CLEAN UP AMERICA  
FRANCHISE DEVELOPMENT  
CORPORATION, a Florida corporation,

16 Defendants.

Case No.: C 08-02810 EMC

MOTION TO CONTINUE CASE  
MANAGEMENT DATES

17  
18 On June 5, 2008, plaintiff PARKER WEST INTERNATIONAL ("PWI") filed its Complaint  
19 for Patent Infringement and other causes of action against defendants CLEAN UP AMERICA  
20 ("CUA") and CLEAN UP AMERICA FRANCHISE DEVELOPMENT CORPORATION  
21 ("CUAFDC"). The main shareholder and officer of both defendants is William Clemons.

22 On June 8, 2008, plaintiff promptly provided a courtesy copy of the Complaint to CUA's  
23 attorney. The cover letter requested that CUA contact PWI within one week to see if an informal  
24 settlement was possible but if no response was received, PWI would proceed with formally serving  
25 the Complaint.

26 Over the next several weeks, PWI received communications from CUA, either from its  
27 attorney or from Mr. Clemons, each with a request to provide additional time to identify litigation  
28 counsel and to respond to PWI's letter requesting settlement discussions. Although CUA continued

1 to request additional time, PWI realized that it was time to proceed with the lawsuit and served the  
2 registered agent for service of process for CUA. The proof of service was filed with the Court on  
3 August 14, 2008.

4 The effort to serve CUAFDC was delayed because of false information provided by  
5 CUAFDC with regard to its physical location and the location of its registered agent. In particular,  
6 the address for its registered agent is not valid. Surprisingly, the address for the registered agent is  
7 the same address listed for CUA and CUAFDC on its web site. As noted in the attached  
8 Declaration Of Non-Service, the process server who went to that location confirmed that neither  
9 CUA, CUAFDC or the registered agent exist at that location. Indeed, the property manager had  
10 never heard of any of them. As a result, PWI is continuing its effort to serve CUAFDC at  
11 alternative locations.

12 Because of the delay in serving the parties, PWI respectfully requests that the Court  
13 continue the Case Management Dates for this matter for 45 days. This extension of time should  
14 permit PWI to complete service of CUAFDC and for both parties to respond to the Complaint.

15 DATED: August 25, 2008

SPAULDING McCULLOUGH & TANSIL LLP  
Attorneys for Plaintiff  
PARKER WEST INTERNATIONAL, LLC

16  
17  
18 By: 

Warren L. Dranit

PROOF OF SERVICE

I declare that:

I am employed in the County of Sonoma, California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is: Post Office Box 1867, Santa Rosa, CA 95402.

On August 25, 2008, I caused the following document to be served by delivering as noted below:

MOTION TO CONTINUE CASE MANAGEMENT DATES

(X) BY MAIL I caused each such envelope to be served by sealing and depositing with the United States Postal Service, with postage thereon fully prepaid, at Santa Rosa, California.

Addressed to the following:

Dominic P. Lascara, PLC  
652 Independence Pkwy Suite 120  
Chesapeake, VA 23320  
(Agent for Service of Process for Clean Up America, Inc.)

I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

I declare under penalty and perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 25, 2008, at Santa Rosa, California.

  
Rishell E. Peretson

<b>ATTORNEY OR PARTY WITHOUT ATTORNEY:</b> Warrren L. Dranit SPAULDING MCCULLOUGH & TANSIL LLP 90 South E Street Suite 200 Santa Rosa, CA 95402  <b>TELEPHONE NO.:</b> (707) 524-1900  <b>ATTORNEY FOR:</b>	<b>FOR COURT USE ONLY</b>
<b>COURT OF CALIFORNIA, COUNTY OF</b>	
<b>PLAINTIFF:</b> PARKER WEST INTERNATIONAL, LLC <b>DEFENDANTS:</b> CLEAN UP AMERICA, INC	<b>CASE NUMBER:</b> CV 08 2810
<b>DECLARATION OF NON-SERVICE</b>	<b>Ref. No. or File No.:</b>

- I am over 18 years of age and not a party to this action.
- Received by ALLIANCE PROCESS, INC. on 8/13/2008 at 10:09 am to be served on **CLEAN UP AMERICA FRANCHISE DEVELOPMENT CORPORATION, 1999 WEST COLONIAL DRIVE, ORLANDO, FL 32804.**
- NON-SERVED THE Summons in a Civil Action, Complaint, Order Setting Initial Case Management Conference and ADR Deadlines, Booklet, Standing Order for Civil Practice, Notice of Assignment of Case, Welcome to The US District Court, and Report On The Filing or Determination of An Action Regarding A Patent or Trademark FOR THE REASON THAT I FAILED TO FIND CLEAN UP AMERICA FRANCHISE DEVELOPMENT CORPORATION OR ANY INFORMATION TO ALLOW FURTHER SEARCH. READ THE COMMENTS BELOW FOR FURTHER DETAILS.**
- Additional Information pertaining to this non-service:  
  
NON SERVED- GIVEN ADDRESS 1999 WEST COLONIAL DRIVE, ORLANDO, FL IS AN OFFICE BUILDING WITH EXECUTIVE SUITES AND VIRTUAL OFFICES. NO SUITE # WAS PROVIDED AND CORPORATE NAME OR R.A.'S NAME IS NOT LISTED ON THE DIRECTORY. PER PROPERTY MANAGEMENT, CORPORATE AND R.A. ARE UNKNOWN AT THAT ADDRESS.
- I am an independent contractor of a registered California process server.
- My name, address, telephone number, and, if applicable, county of registration and number are:  
Name: J.M. Brooks  
Firm: ALLIANCE PROCESS, INC.  
Address: Post Office Box 547388, Orlando, FL 32854-7388  
Telephone number: (407) 298-5811  
Registration Number: OCID #6735 / SCID #410  
County: Orange  
The fee for the service was:
- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

J.M. Brooks

(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)

  
(SIGNATURE OF PERSON WHO SERVED THE PAPERS)